



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Fike *et al.*

Appl. No. 09/606,314

Filed: June 29, 2000

For: **Dry Powder Cells and Cell Culture
Reagents and Methods of
Production Thereof**

Confirmation No. 1340

Art Unit: 1654

Examiner: Flood, Michelle C.

Atty. Docket: 0942.4290005/RWE/FRC

Second Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Information Disclosure Statement filed on July 17, 2003 in connection with the above-captioned application. A copy of each document is also provided.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following concise explanation of the relevance of the non-English language document, Document AO4 cited on Form PTO-1449:

Document **AO4**, Japanese Patent Publication No. JP 2-57175, is in the Japanese language. The relevance of Document AO4 can be ascertained by reference to an unverified English language abstract attached as Document **AT12**.

12/31/2003 HVUONG1 00000045 09606314

02 FC:1806

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Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and

Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

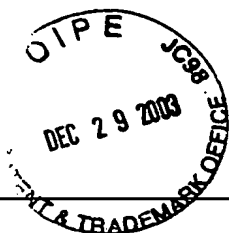
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, reading "Frank R. Cottingham". The signature is fluid and cursive, with the first name "Frank" and last name "Cottingham" clearly legible.

Frank R. Cottingham
Attorney for Applicants
Registration No. 50,437

Date: DEC. 29, 2003

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600



FORM PTO-1449 SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 0942.4290005/RWE/FRC	APPLICATION NO. 09/606,314
	APPLICANT Fike et al.	
	FILING DATE June 29, 2000	GROUP 1654

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO4	JP 2-57175 ✓	02/26/1990	Japan			Yes No X
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR		
	AS	✓ 12	Maa, Y-F., et al., "Spray-coating of rhDNase on lactose: effect of system design, operational parameters and protein formulation," <i>Int. J. Pharm.</i> 144:47-59, Elsevier Science B.V. (November 1996)
	AT	12	Derwent WPI abstract, Accession No. 1990-104911, English language abstract for JP 2-57175 (Document AO4)

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.